

EXECUTIVE COUNCIL OF IOWA

MINUTES

MARCH 8, 2021

The Executive Council met in regular session at 10:01 a.m. via conference call as a meeting in person was impractical due to the Governor's State of Public Health Disaster Emergency Proclamation. Governor Kim Reynolds presided over the meeting. Secretary Paul Pate, Auditor of State Rob Sand and Secretary of Agriculture Michael Naig were present. Treasurer of State Michael Fitzgerald was absent.

Regular Session
March 8, 2021

Moved by Secretary Pate and seconded by Secretary Naig that the Council approve the minutes of the Executive Council Meeting on February 15, 2021.

Minutes Approved

The vote:	Ayes:	Governor Reynolds Secretary Pate Auditor Sand Secretary Naig
	Nays:	None

Dennis Harper, Recovery Division Administrator, Iowa Department of Homeland Security and Emergency Management, was present to request approval of a Contingency Fund Loan for the City of Nashua.

Personal
Appearance

Moved by Secretary Pate and seconded by Secretary Naig that the Executive Council approve the request.

The vote:	Ayes:	Governor Reynolds Secretary Pate Auditor Sand Secretary Naig
	Nays:	None

Moved by Auditor Sand and seconded by Secretary Naig that the Council approve the request from the Attorney General's Office for payment of Expenses Under Iowa Code §7D.10 in the amount of \$22,400.00 for prosecuting cases under Iowa Code chapter 229A.

Approved Iowa
Code §7D.10

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Sand
 Secretary Naig
 Nays: None

Moved by Secretary Naig and seconded by Auditor Sand that the Council approve the request from the Department of Justice, Attorney General's office as follows:

Approved Outside
Counsel

- A. The Department of Justice, Attorney General's office requested retention of outside counsel pursuant to Iowa Code section 13.3(1) in *Kelly Hartz v. University of Iowa Hospitals & Clinics; State of Iowa and Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.
Attorney: Ryan Clark
 505 5th Avenue
 Suite 729
 Des Moines, IA 50309
Rate: \$140.00 Per Hour

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Sand
 Secretary Naig
 Nays: None

Moved by Secretary Pate and seconded by Auditor Sand that the Council approve the request from the Department of Justice, Attorney General's office as follows:

Approved Special
Counsel

- A. The Department of Justice, Attorney General's office requested retention of special counsel pursuant to Iowa Code section 13.7 to provide specialized legal services and representation to the Iowa Department of Revenue (IDR) with respect to centrally-assessed property tax cases against Buckeye Terminals, LLC and Buckeye Pipe Line Transportation, LLC (the Buckeye matters).

Firm: Whitt Law, LLC
Supervising Attorneys: Stuart L. Whitt and Joshua L. Whitt
 70 South Constitution Drive
 Aurora, IL 60506

Rate: Fees will range from \$250 to \$210 per hour. Fees and associated costs will be paid by IDR from the Litigation Expense Fund pursuant V to Iowa Code section 441.73.

The vote: Ayes: Governor Reynolds
Secretary Pate
Auditor Sand
Secretary Naig
Nays: None

Moved by Secretary Naig and seconded by Auditor Sand that the Council approve the request from the Department of Justice, Attorney General's office as follows:

- B. The Department of Justice, Attorney General's office requested retention of special counsel to provide legal advice to the Treasurer's Office on probate issues in connection with the disposition of unclaimed property.

Firm: Wandro & Associates. PC
2501 Grand Avenue
Suite B
Des Moines, IA 50312

Rate: For probate matters, the firm proposes a flat fee of \$75 for routine matters and \$175 for more complicated matters. For probate matters that cannot be resolved at a flat rate, the firm would charge hourly rates that range from \$250 to \$150 per hour. When hourly rates within this range are charged, the firm proposes to utilize attorneys with the lowest hourly rates who have the appropriate level of experience and knowledge. The firm may utilize a paralegal, as appropriate, at an hourly rate of \$90. All attorney fees and costs will be paid from the Unclaimed Property Fund.

The vote: Ayes: Governor Reynolds
Secretary Pate
Auditor Sand
Secretary Naig
Nays: None

Moved by Secretary Pate and seconded by Auditor Sand that the Council approve the following emergency allocations:

- A. Department of Administrative Services requested a supplemental emergency allocation in the amount of \$1,255.23. This increases the total allocation to \$31,956.32. On July 11, 2020, Vehicles #1519, #1524, #1526, #2258 and #105740 were damaged by. Request was to cover repair costs.

Approved
Emergency
Allocations

- B. Department of Public Safety requested a supplemental emergency allocation in the amount of \$1,828.23. This brings the total allocation to \$5,185.43. On May 31, 2020, State Patrol Vehicles 140 & 354 were damaged by protests/riots. Request was to cover repair costs. This represents full and final payment and this allocation will be closed.
- C. On October 5, 2020, the Executive Council approved an emergency allocation for the Department of Public Safety the amount of \$7,797.13. The final invoices and supporting documentation came in under the \$2,000.00 minimum threshold for 29C.20 claims. This allocation will be closed and \$7,797.13 reverted to the State Treasury.

The vote: Ayes: Governor Reynolds
 Secretary Pate
 Auditor Sand
 Secretary Naig
 Nays: None

Moved by Secretary Naig and seconded by Auditor Sand that the Council approve the following cost items:

Approved Payment
of Cost Items

- A. Department of Natural Resources\$4,028.03
 Drainage Assessments Pursuant to Iowa Code Section 468.43:
- | | |
|-------------|------------|
| Cerro Gordo | \$414.00 |
| Polk | \$3,614.03 |
- B. Michael Marquess.....\$5,000.00
 2183 Docks Drive
 Garwin, IA 50632
 Tribal cases when the offenses are committed by non-natives against non-natives
 (or without a victim) on the Sac and Fox Indian Settlement in Tama County
- C. Davis, Brown, Koehn, Shors & Roberts, P.C.....\$235.38
 The Davis Brown Tower
 215 10th Street, Suite 1300
 Des Moines, IA 50309-3993
 Legal Services to state agencies on issues related to the visa status of prospective
 state employees

- D. Patterson Law Firm L.L.P.....\$140.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Melody Colvin v. Woodward Resource Center, State of Iowa and Second Injury Fund of Iowa

- E. Hall Render Killian Heath & Lyman P.C. (Baker).....\$1,206.57
PO Box 771910
Detroit, MI 48277-1910
University of Iowa Hospitals and Clinics (UIHC) Appeals

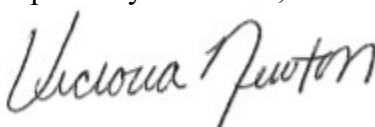
- F. Hall Render Killian Heath & Lyman P.C. (Baker).....\$431.91
PO Box 771910
Detroit, MI 48277-1910
University of Iowa Hospitals and Clinics (UIHC) Appeals

- G. Hall Render Killian Heath & Lyman P.C. (Baker).....\$739.41
PO Box 771910
Detroit, MI 48277-1910
University of Iowa Hospitals and Clinics (UIHC) Appeals

The vote:	Ayes:	Governor Reynolds
		Secretary Pate
		Auditor Sand
		Secretary Naig
	Nays:	None

The Meeting adjourned at 10:06 a.m.	Meeting adjourned
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Respectfully submitted,



Victoria Newton
Executive Secretary